

Existing Institutional, Legal and Policy Frameworks for Wetlands Management in Cambodia

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Introduction

Wetlands cover about 30 per cent of the country and 20 per cent of these areas are recognized as wetlands of international importance. Wetlands are important to Cambodia both culturally and economically because most people live in these areas. Given the crucial importance of these areas, a nationally coordinated wetland policy is urgently needed. Such a policy must bring together all the sectors involved in wetland use and management. Thus far, no formal policy on wetland management has been formulated by the Royal Government of Cambodia.

Institutional setting for wetlands management

Management of wetlands in Cambodia lies with a number of sectoral agencies that follow policies and laws specific to their mandates, resulting in poor coordination among agencies. For example, flooded mangroves and forests are presently the responsibility of the Department of Fisheries, but areas beyond tidal influence such as *Melaleuca* forests are under the jurisdiction of the Department of Forestry. In terms of conservation and management of wetland biodiversity, both the Ministry of Environment and the Ministry of Agriculture, Forestry and Fisheries are involved. The Ministry of Environment has a mandate to manage protected areas and is the administrative authority for Cambodia's commitments to the Ramsar Convention and the Convention on Biodiversity. The Ministry of Agriculture, Forestry and Fisheries is the National Management Authority for the Convention on International Trade in Endangered Species (CITES) and, through the Department of Fisheries, is responsible for the fisheries as defined by the Fisheries Law, including concessions, fish sanctuaries, inundated forests, swamps and other fish production areas.

Two intersectoral bodies encourage interagency cooperation: the Council for Development of Cambodia (formed by the Council of Ministers) and the Cambodia National Mekong Committee

(CNMC), established in 1957. The former coordinates overall development while the latter oversees water management issues within the Mekong River Basin and is part of the Mekong River Commission (MRC). The CNMC is an intersectoral committee with broad responsibilities for water and wetland issues and is one of the few existing mechanisms that can promote collaboration and intersectoral integration. A working group under the CNMC guides the development of the National Wetland Action Plan.

Since these committees deal with development issues and not specifically with coastal and marine issues, the government established the National Coastal Steering Committee comprised of undersecretaries of state from relevant ministries and the governors of the four coastal provinces. The committee was established with the assistance of Danida's Coastal Management Project. Although its initial objectives were to coordinate and guide environmental initiatives in the coastal areas; it has no legal standing.

Legal and policy frameworks

Owing to the absence of a national coordinating body for wetlands, management issues are dealt with sectorally where legal and institutional mandates exist. This results in a situation whereby wetland-related issues are handled in a piecemeal and indirect fashion. Cambodia needs a national wetland policy that can coordinate wetland development to ensure sustainable use.

The Law on Environmental Protection and Natural Resource Management recognizes the need for cooperation among agencies and the public for the management of natural resources, and requires that environmental impact assessments be conducted for all private and public projects. However, the Ministry of Environment has no comprehensive regulations on resource extraction, management of fisheries, forestry and mining; nor does it have any standards for waste management practices. Only a few isolated laws exist on environment protection; these are drawn from provisions made

during the French colonial period, provisions in contractual agreements between the State and commercial interests, statements of intent within the mandates of individual ministries, and in some cases, decrees.

While there is no legislation specific to wetlands, a number of ministries and departments have regulations pertaining to various sectoral uses of wetlands, mostly in the form of fisheries laws. Some of these laws are conflicting and could promote activities that result in the loss of wetlands. They should be reviewed to determine potential conflicts. Some of the major legal frameworks related to wetlands include:

- **Law on Environmental Protection and Natural Resource Management**
The objectives of this law, approved by the National Assembly in 1996, are to protect, manage, and enhance the environment and to promote sustainable socioeconomic development. It places responsibility for environmental planning, protected area management, environmental impact assessment, environmental monitoring, pollution control and inspection, and public participation under the Ministry of Environment.
- **Royal Decree on the Creation and Designation of Protected Areas**
This legislation forms the basis for the protected area program in Cambodia and designates the Ministry of Environment as the agency responsible for planning for and development in the protected areas system.
- **National Forest Law**
Promulgated in 1988, this law underwent extensive review. Efforts to strengthen forest policy have been supported by the World Bank. The new Forest Law was recently adopted by the national assembly.
- **Fisheries Law**
Fisheries conservation, management and development are the responsibilities of the Department of Fisheries. The new fisheries law, which is still in draft form, encourages integration of fisheries management with rural development by extending responsibilities for fisheries management to fishing communities and increasing the protection and sustainable use of fishery resources. The management of mangrove and flooded forests is included in the draft and it is expected that other aspects of wetland use will similarly be included.

Some of the major international agreements having implications for wetland management to which Cambodia is a party include:

- **United Nations Convention on the Law of the Sea (UNCLOS)**
As a signatory, Cambodia is committed to the provisions of UNCLOS, specifically those pertaining to: conservation and preservation of the marine environment (Part XII Section 1, Articles 192, 197, 199, and 200), monitoring and environmental assessment (Article 4), prevention, reduction, and control of pollution (Articles 207 and 208), and sustainable exploitation of marine resources (Article 62).
- **Convention on Biological Diversity**
Cambodia acceded to this Convention on 9 February 1995. This convention calls on all countries to develop and implement national plans to ensure biological diversity.
- **Convention on Wetlands (Ramsar, Iran, 1971)**
Cambodia acceded to the Convention on Wetlands on 23 October 1999. The Convention calls on all countries to set aside wetlands of international importance, especially those important to migratory waterfowl and waders. Designated Ramsar sites in Cambodia include the Koh Kapik area, Boeng Chhmar and its associated creek systems, and the middle stretch of the Mekong River north of Stung Treng.
- **UNESCO Man and Biosphere Reserve Program**
Cambodia has designated the Tonle Sap Lake as its first biosphere reserve. Since its designation and approval by UNESCO in 1997, there has been no agreement on how the reserve is to be managed. The most contentious issue lies with the three core areas that, according to the guidelines, should be free from extractive uses. Efforts are being made to resolve this issue by reshaping the core areas and mandating less stringent management regulations governing them.
- **Convention on International Trade in Endangered Species (CITES)**
Cambodia became a signatory on 2 October 1997. The Ministry of Agriculture, Forestry and Fisheries is designated as the CITES national management authority secretariat. The scientific responsibility lies with the Department of Forestry and the Department of Fisheries. The Convention establishes mechanisms that facilitate international cooperation on the regulation of wildlife trade.